



UNITED STATES MARINE CORPS
MARINE CORPS COMBAT DEVELOPMENT COMMAND
QUANTICO, VIRGINIA 221343001

MCCDCO 4200.2A
MCCDC CO50
MCB B10
17 FEB 1999

MARINE CORPS COMBAT DEVELOPMENT COMMAND ORDER 4200.2A

From: Commanding General
To: Distribution List

Subj: COORDINATION WITH COUNSEL ON CONTRACTUAL MATTERS

Ref: (a) Federal Acquisition Regulation (FAR) 1.602.1(b)
(NOTAL)
(b) Navy Acquisition Procedures Supplement (NAPS)
5201.602-I (NOTAL)
(c) MCO P4200.15G, par. 2308

1. Purpose. To identify contractual documents and related matters that require coordination with the Office of Counsel, MCCDC and to set forth procedures for accomplishing such coordination.

2. Cancellation. MCCDCO 4200.2.

3. Summary of Revision. This Revision contains a significant number of changes and should be reviewed in its entirety.

4. Background. Reference (a) requires that contracting officers not enter into contracts until all applicable requirements of law and regulation have been met. Reference (b) requires that contract documents be forwarded to the appropriate attorney or attorneys of the Navy Office of General Counsel for review as to form and legality and any additional pertinent comment and advice. Reference (c) identifies specific contractual documents and issues which require coordination with counsel.

5. Action

a. Contracting personnel shall submit the following documents and related matters to the Office of Counsel for review prior to release to anyone outside of the contracting office:

(1) All open market written Requests for Proposals and Invitations for Bids estimated to be in excess of \$25,000 and all amendments to such solicitations.

(2) All proposed contracts in excess of the small purchase threshold.

(3) Leases, regardless of dollar value.

(4) All basic ordering agreements (BOA) and orders under BOA in excess of \$25,000.

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- (5) All contract modifications affecting price or estimated cost, delivery, specifications, or changes to any of the core elements of the contract.
- (6) All justification and approvals (J&A) for other than full and open competition.
- (7) Determination and findings (D&F) for matters other than determination of contract type.
- (8) Matters relating to late bids or proposals.
- (9) Matters relating to mistakes in bids.
- (10) Proposed deviations from FAR, Defense Federal Acquisition Regulation Supplement (DFARS), or NAPS or other applicable regulations or directives.
- (11) Questions relating to contract interpretation.
- (12) Protests prior to or after award.
- (13) Termination actions.
- (14) Contract claims, disputes, and appeals.
- (15) Requests for extraordinary contractual relief under the provisions of Public Law 85-804.
- (16) Denial (whole or partial) of requests under the Freedom of Information Act (FOIA).
- (17) Release of information requested under the FOIA when release of some or all of the information is disputed by any party.
- (18) All rejections of bids by the government.
- (19) All determinations of non-personal services.
- (20) Any proposed action of a controversial nature.

b. Standard Form 30 for either solicitation amendment or contract modification which make material changes to a solicitation or contract must receive legal review. Changes include performance obligations, pricing, delivery schedule, government-furnished **property**, inspection and acceptance, section H and section I clauses, and section M (evaluation factors), all of which are required to be reviewed by the Office of Counsel.

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c. The following will be submitted to the Office of Counsel for review, when, in the sole discretion of the assigned contracting officer, legal review is considered necessary:

(1) Acquisition Plans.

(2) D&F for the determination of contract type.

(3) Delivery orders against indefinite delivery type contracts or against Federal Supply Schedule contracts.

(4) Solicitations/Contracts not exceeding the small purchase threshold.

(5) Full releases of information requested under the FOIA except as previously described in 5a(18).

6. Documentation. All matters submitted to the Office of Counsel with the purpose of getting concurrence, advice, or assistance, shall include the following:

a. A routing sheet showing that the head or deputy of the cognizant contracting office has reviewed the material provided and either concurred with the proposed course of action or provided an alternative recommended course of action.

b. A brief description (typed or legibly handwritten) of the matter to be reviewed with a specific discussion of any unusual elements. If the document being reviewed is a solicitation, amendment, contract, or modification, this description will specifically identify any provisions that are not included in FAR, DFARS, or NAPS.

c. A proposed document (solicitation, contract, modification, J&A, D&F, letter, administrative report, etc.) which, if determined to be acceptable, would constitute the conclusion of the matter.

d. Supporting documentation, indexed for easy reference, necessary to understand the proposed action without having to look elsewhere for pertinent factual information.

e. Upon completion of review by the Office of Counsel, ensure that indication of legal approval was provided on the original document. If additional documentation was received (counsel's comments, etc.), ensure that such documents are made a part of the permanent contract file.

f. Routine review/requests for advice may be initiated and responded to via E-Mail.

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7. Processing Time by the Office of Counsel

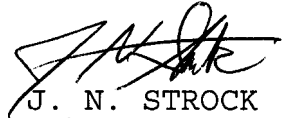
a. The normal processing time allocated for routine requirements will be 10 working days.

b. Review of contract claims subject to the Contract Disputes Act of 1978 normally requires 30 working days.

c. For priority requests, the division director/branch head of the office requesting review may coordinate a shorter response time with the Office of Counsel.

d. All requirements that have an established response date in the FAR, DFARS or legal document should specify that date and the basis on the route sheet submitted to the Office of Counsel.

8. Concurrence. This Order was coordinated with and concurred on by the CG MCB.


J. N. STROCK
Chief of Staff

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